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Attorneys for Defendants
AMERICAN CREDIT ACCEPTANCE, LLC,
PAR, INC., and JILLIAN RAE LEE-BARKER
dba COEUR D'ALENE VALLEY RECOVERY SERVICES

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
SPOKANE DIVISION

HECTOR LOYOLA and LINDA
LOYOLA,

Plaintiffs,

v.

AMERICAN CREDIT ACCEPTANCE,
LLC, PAR, INC., and JILLIAN RAE LEE-
BARKER dba COEUR D'ALENE
VALLEY RECOVERY SERVICES,

Defendants.

Case No.: 2:19 CV-2

DECLARATION OF
MICHAEL COLEMAN

1 The undersigned, **MICHAEL COLEMAN**, declares as follows:

2
3 1. I am over 18 years of age, competent to testify about the matters
4 stated below, and am authorized to make this declaration on behalf of American
5 Credit Acceptance, LLC (ACA).
6

7 2. I am employed by ACA as a Legal Analyst. One of my core job
8 functions is reviewing account documents.
9

10 3. I make this declaration based on my personal knowledge obtained
11 through my employment at ACA and my review of ACA's business records. If
12 called as a witness, I could and would testify competently to the facts in this
13 declaration.
14
15
16

17 4. I reviewed business records related to Hector and Linda Loyola's
18 account.
19

20 5. I have personal knowledge of ACA's procedures for obtaining and
21 maintaining business records, which are: (a) made at or near the time of the
22 occurrence of the matters recorded by persons with personal knowledge of the
23 information in the business record, or from information transmitted by a person
24 with personal knowledge; (b) kept in the course of ACA's regularly conducted
25 business activities; or (c) created by ACA as a regular practice of its business
26 activities.
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1 6. **Exhibit A** is a true and correct copy of the Retail Purchase Agreement
2
3 between the Loyolas and a car dealership (LHM Toyota Spokane) for a 2012
4 Dodge Journey, dated October 30, 2016. Due to the agreement's dimensions (one
5 page – front and back – measuring 8½ x 14 inches) an enlarged – but true and
6 correct – copy, which has been scanned in over four pages is attached as Exhibit A.
7
8 This is a copy of an ACA business record that ACA received from the dealership.
9

10
11 7. **Exhibit B** is a true and correct copy of a Retail Installment Contract
12 between the Loyolas and the dealership for the vehicle, also dated October 30,
13 2016. Due to the agreement's dimensions (one page – front and back – measuring
14 8½ x 19 inches) an enlarged – but true and correct – copy, which has been scanned
15 in over four pages is attached as Exhibit B. This is a copy of an ACA business
16 record that ACA received from the dealership.
17
18

19
20 8. The dealership assigned all its right, title, and interest to ACA.
21

22 9. The Loyolas failed to make one or more payments under the Contract.
23
24 ACA retained PAR, Inc. to repossess the vehicle. The vehicle was repossessed.
25 After the repossession, the Loyolas paid the amount past due and received the
26 vehicle back.
27

28 10. I declare under penalty of perjury that the foregoing is true and correct.
29

30 Executed on February 15, 2019 at Spartanburg, South Carolina.
31

32


MICHAEL COLEMAN

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice:

FOR PLAINTIFFS

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Signed and dated at Spokane Valley, Washington this 15th day of February, 2019.

WOLFF, HISLOP & CROCKETT, PLLC

By: /s Aaron D. Dunham
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